

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY vs. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: U.S. Army Corps of Engineers, Sacramento District
FILE NUMBER: 200300673

REGULATORY PROJECT MANAGER: Mr. William Ness DATE: April 27, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the Office (y/n) N
At the project site (y/n) Y Date: November 18, 2003, and February 5, 2004

PROJECT LOCATION INFORMATION:

State: California
County: Placer
Center coordinates of site by latitude & longitude coordinates: Latitude 38° 45' 27.2", Longitude 121° 18' 5.31"
Approximate size of site/property (including uplands & in acres): 9.4
Name of waterway or watershed: Wetland/ Sacramento River

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	✓								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool	✓								
Natural pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown (Use Best Professional Judgement)		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			✓		
Is or would be used as habitat by other migratory birds that cross state lines?			✓		
Is or would be used as habitat for endangered species?			✓		
Is used to irrigate crops sold in interstate commerce?		✓			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved ✓

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):

The site is surrounded by residential development. The site historically drained to the East. However these drainages are dammed by the abutting residential development causing water on site to pond along the eastern edge of the property. There is a pipe along the eastern boundary, but the adjacent developer claims it is stubbed off and does not convey flows from the site. The site conditions appear to confirm this.

The review of historic and current aerials failed to indicate adjacency or a hydrologic connection to off-site waters or drainageways. The site contains no navigable-in-fact waters and does not currently have a discernible interstate commerce connection.

The site contains vernal pools and seasonal wetlands which are potential habitat for the federally-listed vernal pool fairy shrimp and the vernal pool tadpole shrimp. A total of 0.46 acre of wetlands are present on the site.